



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,746	05/24/1999	ROBERT L. STEWART	CIS-1219	9501

21005 7590 11/26/2004

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,746

Applicant(s)

STEWART ET AL.

Examiner

Isaac M Woo

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11-14,18,20,21,23 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-9, 11-14, 18, 20-21, 23 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 September 2004, has been entered.

2. Claims 1, 3, 5-9, 11-14, 18, 20-21, 23 and 27-34 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2162

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-9, 11-14, 18, 20, 21, 23 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dulman (U.S. Patent No. 5,802,146) in view of Kjorsvik et al (U.S. Patent No. 5,748,190, Hereinafter, "Kjorsvik").

With respect to claims 1, 18, 27-29 and 31-32, Dulman discloses, upon receiving a network management request (e.g., get, set, set trap, are SNMP commands, managed system receives SNMP objects commands, col. 12, lines 16-54), assigning a priority value to the received network management request (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32) Simple Network Management Protocol message (col. 12, lines 29-54), the priority value assigned by the managed element (col. 14, lines 58-67 to col. 15, lines 1-28, system identifies the operational priority SNMP command), scheduling the network management request, by the managed element dependent on the assigned priority value, see (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28, operational SNMP commands priority assigned means scheduling the SNMP commands). Dulman does not explicitly disclose, user identifier in a network management wrapper included in the request, the user identifier identifying the user of an application from which the request was sent. However, Kjorsvik discloses, "it is capable of displaying all the users in the network that have an installed messenger module. The individual users may be arranged into various

Art Unit: 2162

groups according to the selection of the system operator, using the administration module 26. Each user is identified by a unique network identification (ID). Hence, a command to view the network users in the database 24 is provided through the administration module 26. The user's IDs and the individual presentations are contained in the system database 24", see (col. 3, lines 18-29). This teaches that the network computer has capability to identify network users who communicate with. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was to modify Dulman by incorporating user identifier in a network management wrapper included in the request, the user identifier identifying the user of an application from which the request was sent with the system of Kjorsvik. Thus, one having ordinary skill in the art at the time the invention was made would have found it motivated to use such a combination because that would provide Kjorsvik's system the identifying network user capability to provide network user identification for network communication in the network system.

With respect to claims 3 and 20, Dulman discloses, the adding a priority value to an authentication group comprising user identification, in an authentication table, see (col. 11, lines 33-57).

With respect to claims 5 and 21, Dulman discloses, the extracting a user identification from the network management request; determining the priority value by

Art Unit: 2162

using the extracted user identification to index the authentication table, see (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claims 6 and 11, Dulman discloses, the selecting the order of execution of the network management request dependent on the determined priority value, see (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claims 7 and 12, Wiggins discloses that preempting the currently executing task if the determined value for the management request is higher than the currently executing task, see (setting operational priority, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claims 8-9, Wiggins discloses the adding a management request to the request queue dependent on priority value, see (setting operational priority, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claims 13-14, Wiggins discloses the adding a management request to the request queue dependent on priority value, see (setting operational priority, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claim 23, Dulman discloses, the extracting a source identification from the network management request; determining the priority value by using the extracted user identification to index the authentication table, see (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

With respect to claims 30, the message is in the form of a Simple Network Management Request, see (col. 12, lines 29-54).

With respect to claim 33, Dulman discloses, the adding a priority value to an authentication group comprising user identification, in an authentication table, see (col. 11, lines 33-57).

With respect to claim 34, Dulman discloses, the extracting a user identification from the network management request; determining the priority value by using the extracted user identification to index the authentication table, see (col. 4, lines 52-64, col. 11, lines 34-57, col. 3, lines 23-32, col. 14, lines 58-67 to col. 15, lines 1-28).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
November 22, 2004


JEAN M. CORRIELLUS
PRIMARY EXAMINER